

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRUCE WITHORN,

Defendant.

PRETRIAL MOTION
HEARING ORDER

07-CR-078-C

On September 26, 2007, this court held the pretrial motion hearing. Defendant Bruce Withorn waived his personal presence, but was represented by Attorney Michael Lieberman. The government was represented by Assistant United States Attorney Laura Przybylinski Finn.

Prior to the hearing, Withorn filed no pretrial motions. Attorney Lieberman stated that this was a tactical decision he made in consultation with Withorn after adequate review of the government's disclosures and adequate independent investigation of this case. Attorney Lieberman did not need a discovery proffer, but raised a discovery concern with the court regarding *Giglio* information about inmates who may be government trial witnesses. The government asked for the opportunity to research the issue. I leave it to the parties to resolve this matter without court intervention; if this is not possible, then Withorn, by counsel, promptly should file a motion. The parties had no other matters to bring to the court's attention.

Because the parties still anticipate that this case will go to trial, I will provide draft voir dire and jury instructions under separate cover.

Entered this 26th day of September, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge